

Voter Fraud Hearing - Volume 2

March 1, 2011

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1 you're talking about, to take people's pictures --

2 REPRESENTATIVE ANCHIA: So you could
3 use it to implement a photo I.D. regime, but you
4 couldn't use it to add people's photos to a voter
5 registration certificate?

6 ANN MCGEEHAN: We could look at
7 that -- at the language of the bill more closely.
8 But, you know, the main mandates of HABA were
9 provisional voting, voting system, security. We
10 could -- you know, maybe -- maybe it's more broad
11 than I'm thinking.

12 We've been very cautious with the HABA
13 funds and try to make sure we're in compliance with
14 what -- the Federal Election Systems Commission. It
15 would be curious to see if Georgia or Indiana use
16 that money -- HABA monitor [sic] that portion of
17 the -- of their implementation of voter I.D.

18 REPRESENTATIVE ANCHIA: Ms. Wang
19 talked about a vote-saving affidavit approach to
20 preventing people from being disenfranchised under
21 a -- a photo I.D. regime. Other states have it.
22 And Idaho, by way of example, has a photo I.D.
23 regime, but at the same time allows persons who are
24 unable to comply to -- to offer up a vote-saving
25 affidavit that says they are the person on the card.



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1 And, typically, the penalty for that is aggravated
2 perjury, is it not, if you bust an affidavit related
3 to an election --

4 ANN MCGEEHAN: Yes.

5 REPRESENTATIVE ANCHIA: -- and -- and
6 the penalty for that is two to ten years in jail, is
7 it not?

8 ANN MCGEEHAN: That sounds about
9 right.

10 REPRESENTATIVE ANCHIA: \$10,000 -- up
11 to \$10,000 fine.

12 ANN MCGEEHAN: Yes.

13 REPRESENTATIVE ANCHIA: And don't we
14 have an affidavit currently in -- for people who --
15 because let me back up a step.

16 We have a photo -- we have a voter I.D.
17 standard in Texas today, don't -- do we not?

18 ANN MCGEEHAN: Yes.

19 REPRESENTATIVE ANCHIA: It's our
20 voter registration certificate.

21 And when you cannot comply with that --
22 with that voter registration certificate
23 requirement, you can use other forms of I.D. like a
24 driver's license. Correct?

25 ANN MCGEEHAN: Yes.



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1 REPRESENTATIVE ANCHIA: And when
2 you -- when you use that driver's license, you sign
3 an affidavit, do you not?

4 ANN MCGEEHAN: Yes.

5 REPRESENTATIVE ANCHIA: And that's
6 contained in the poll book, is it not?

7 ANN MCGEEHAN: Right.

8 REPRESENTATIVE ANCHIA: What does
9 that affidavit say?

10 ANN MCGEEHAN: It's the voter saying
11 they don't have their voter registration
12 certificate, essentially.

13 REPRESENTATIVE ANCHIA: But there are
14 other things. Right?

15 ANN MCGEEHAN: For the affidavit?

16 REPRESENTATIVE ANCHIA: Yeah.

17 ANN MCGEEHAN: Yeah. There are
18 several affidavits.

19 REPRESENTATIVE ANCHIA: You -- you
20 haven't voted previously in this election, et
21 cetera. Correct?

22 ANN MCGEEHAN: Uh-huh, yes.

23 REPRESENTATIVE ANCHIA: Okay. And if
24 the standard is -- is flipped and suddenly you have
25 a photo -- a photo I.D. requirement, what would

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1 be -- a Voter Registrar affidavit look like?
2 Because currently if you can comply with the voter
3 requirement, you can give an alternative form of --
4 of identification, which may or may not be a photo
5 I.D. If you go to a photo I.D. regime, what would a
6 vote-saving affidavit look like, so that people who
7 otherwise would comply, could comply, who are
8 eligible to vote do not get their votes rejected?

9 ANN MCGEEHAN: Well, we -- we could
10 look at, you know, what some of the other states
11 have done with respect to that. Michigan, for
12 example.

13 REPRESENTATIVE ANCHIA: Ohio.

14 ANN MCGEEHAN: Ohio. I think I heard
15 Florida earlier today.

16 REPRESENTATIVE ANCHIA: Right, right.
17 But that would prevent people from being
18 disenfranchised if they could not comply with this,
19 as you said, major change in state law?

20 ANN MCGEEHAN: Yeah. I mean, that
21 would be -- that's a policy call for the
22 Legislature, but...

23 REPRESENTATIVE ANCHIA: Right.

24 What's the standard for match in this
25 bill? I show up, my hair's longer. I saw Ramey Ko

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1 today. His hair's longer than two years ago when he
2 testified. Sometimes people look differently --

3 ANN MCGEEHAN: Uh-huh.

4 REPRESENTATIVE ANCHIA: -- I mean,
5 photo I.D.s are good for 10-year periods in some
6 cases. Right?

7 ANN MCGEEHAN: Right, right.

8 REPRESENTATIVE ANCHIA: Didn't know
9 it. Ten years later, I look pretty different than I
10 did ten years ago.

11 What's the -- what's the -- what's the
12 standard for a visual identification?

13 ANN MCGEEHAN: I don't know that the
14 bill has -- has -- has a -- has a standard
15 necessarily. It says that -- that -- that -- the
16 language basically says that the documentation
17 establishes, I think, they're identity.

18 REPRESENTATIVE ANCHIA: From the
19 proof presented. Correct?

20 ANN MCGEEHAN: From the proof, yes.
21 So that would clearly be an area that we would need
22 to address that training.

23 REPRESENTATIVE ANCHIA: Ultimately,
24 it's subjective. Right? The poll worker is given
25 the opportunity to either confirm or deny the



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1 identity. Right?

2 ANN MCGEEHAN: Right.

3 REPRESENTATIVE ANCHIA: And there's
4 no guidance in the bill to tell us --

5 ANN MCGEEHAN: Right. To --

6 REPRESENTATIVE ANCHIA: -- how to --

7 ANN MCGEEHAN: Right. To a certain
8 extent that is an issue today. If a -- if a person
9 shows eye -- they don't have their certificate and
10 they don't show their driver's license, other I.D.
11 is authorized. And there's similar language in the
12 current law about, you know, establishing
13 identification from the -- from the identification
14 providing. But I think that would be something we
15 would need to address in training. And we would
16 certainly look to some of the other states that have
17 implemented already and try to borrow some best
18 practices.

19 REPRESENTATIVE ANCHIA: Do you know
20 how other states approach this?

21 ANN MCGEEHAN: I do not, not today.

22 REPRESENTATIVE ANCHIA: Okay. That's
23 it. Thank you, Mr. Chairman.

24 REPRESENTATIVE HARLESS:

25 Mr. Chairman, I have one follow-up question.



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1 You just got through mentioning about --
2 and -- and we all concerned [sic] about the
3 discretion. Section 63.010 talks about the
4 documentation proof of identification. Currently,
5 the poll worker has that discretion. You all would
6 just define those standards differently. Is that
7 correct?

8 ANN MCGEEHAN: Right. I think we
9 would address it specifically in our training.
10 Right now, that's not specifically addressed in our
11 training.

12 REPRESENTATIVE HARLESS: (Inaudible)
13 poll worker (inaudible).

14 ANN MCGEEHAN: That's correct.

15 CHAIRMAN BONNEN: Any other
16 questions, Members? Thank you. Appreciate your
17 being here.

18 Members, is there any desire to bring up a
19 resource witness from the Department of Public
20 Safety Driver's License Division? Okay.

21 Rebecca Davio from the Department of
22 Public Safety testifying neutrally on the Committee
23 Substitute Senate Bill 14.

24 REBECCA DAVIO: Good afternoon,
25 Chairman Bonnen, Members. My name is Rebecca Davio,



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TEXAS HOUSE OF REPRESENTATIVES
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SELECT COMMITTEE ON VOTER IDENTIFICATION
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